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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70348 BZ
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME
v.)	
)	
GILSON ARAUJO aka GILVAN)	
LEANDRO THOMAZELE,)	
)	
Defendant.)	

On June 22, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 22, 2007 through July 10, 2007. The parties represented that granting the continuance was necessary for continuity of counsel, taking into account the exercise of due diligence, insofar as counsel for the defendant and counsel for the Government are each unavailable for certain dates within this period. Counsel for the defendant also agreed to waive the defendant's right to a preliminary hearing within 10 days, pursuant to Fed. R. Crim. P. 5.1(c), in light of these scheduling conflicts. The parties also represented that the continuance was also necessary for effective preparation of

1 counsel to permit defense counsel to review discovery. See 18 U.S.C. § 3161(h)(8)(B)(iv).

2 IT IS SO STIPULATED.

3 SCOTT N. SCHOOLS
4 United States Attorney

5 DATED: July 9, 2007

6 /s/
7 DENISE MARIE BARTON
8 Assistant United States Attorney

9 DATED: July 9, 2007

10 /s/
11 ALAN DRESSLER
12 Attorney for GILSON ARAUJO aka
13 GILVAN LEANDRO THOMAZELE

14 **IT IS SO ORDERED.**

15 As the Court found on June 22, 2007, and for the reasons stated above, the Court finds that
16 the ends of justice served by the continuance outweigh the best interests of the public and the
17 defendant in a speedy trial and that time should be excluded from the Speedy Trial Act
18 calculations from June 22, 2007 through July 10, 2007 for continuity of counsel and effective
19 preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested
20 continuance would deny the defendant continuity of counsel and effective preparation of counsel,
21 taking into account the exercise of due diligence, and would result in a miscarriage of justice.
22 See 18 U.S.C. §3161(h)(8)(B)(iv).

23 DATED: _____

24 _____
25 Honorable Bernard Zimmerman
26 United States Magistrate Judge
27
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